

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LEILANI SULIT,)
v. Plaintiff,))
FIRST CHICAGO MORTGAGE CO., an)
Illinois corporation, BANK UNITED CORP.)
FSB; a Foreign Corporation; WILMETTE)
TITLE SERVICES, INC., a/k/a)
CAMBRIDGE TITLE; NANCY)
LICCARDI, KHORRAM CHAUDRY)
and RONY KHEZERAN.)
Defendants.)
No.: 08 CV 4223

**DEFENDANTS , FIRST CHICAGO MORTGAGE CO., NANCY LICCARDI,
KHOORAM CHAUDRY AND RONY KHEZERAN'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12b(6), Defendants, First Chicago Mortgage Company, Nancy Liccardi, Khorram Chaudry and Rony Khezeran (collectively, First Chicago Defendants), by and through their undersigned counsel, KEVIN W. DOHERTY and MAYA HOFFMAN and DOHERTY & PROGAR LLC, respectfully move this Court for dismissal of Plaintiff's Complaint in its entirety. Judgment in favor of First Chicago Defendants is appropriate here because: (1) Plaintiff failed to file her federal claims under the Real Estate Settlement Procedures Act of 1974 (RESPA), 12 U.S.C. Sec. 2601 *et seq.*, and the Truth in Lending Act (TILA), 15 U.S.C. Sec. 1601 *et seq.*, within the respective statutes of limitation; (2) Plaintiff has failed to state a claim for relief under RESPA and TILA; (3) Plaintiff has failed to state a sufficient claim for violations of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et. seq.* (ICFA); and (4) no subject matter jurisdiction under federal question jurisdiction, 28 U.S.C. Sec. 1331, and supplemental jurisdiction, 28 U.S.C. Sec. 1337(C), remains with respect to Plaintiff's additional state law allegations for breach

of fiduciary duty, fraud and civil conspiracy.

For the foregoing reasons and those set forth in their Memorandum of Law in Support of their Motion to Dismiss, First Chicago Defendants respectfully request that this Court enter judgment in their favor and dismiss *with prejudice* Plaintiff's entire cause of action.

Respectfully submitted,

CHICAGO MORTGAGE CO., NANCY
LICCARDI, KHORRAM CHAUDRY AND
RONY KHEZERAN

By: /s/ Kevin W. Doherty

Kevin W. Doherty
One of Their Attorneys

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